

BEST AVAILABLE COPY

12/09/2005 16:47 FAX 13124635001

BANNER & WITCOFF

RECEIVED
CENTRAL FAX CENTER 001/009

DEC 09 2005

TEN SOUTH WACKER DRIVE, SUITE 3000
CHICAGO, IL 60606-7437

TEL: 312.463.5000
FAX: 312.463.5001
www.bannerwitcoff.com



BANNER & WITCOFF, LTD.
INTELLECTUAL PROPERTY LAW

FACSIMILE TRANSMITTAL SHEET

TO:	MS: AF	FROM:	William J. Allen
COMPANY:	U.S. Patent Office	DATE:	December 9, 2005
FAX NUMBER:	571-273-8300	TOTAL NO. OF PAGES:	9 including cover page
RE:		OUR REFERENCE NO.	011738.00026

If you do not receive all page(s) or have any problems receiving this transmission, please call Bobbi Odom at 312-463-5545.

IMPORTANT/CONFIDENTIAL: This message is intended only for the use of the individual or entity to whom it is addressed. This message contains information from the law firm of BANNER & WITCOFF, LTD. which may be privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, retention, archiving, or copying of the communication is strictly prohibited. If you have received this communication in error, please notify us immediately at our telephone number listed above. We will be happy to arrange for the return of this message to our offices at no cost to you.

CHICAGO

WASHINGTON, D.C.

BOSTON

PORTLAND, OR

DEC 09 2005

PTC SB/21 (09-04)

Approved for use through 07/31/2006: CMB 05510031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/044,405	
	Filing Date	January 11, 2002	
	First Named Inventor	Stypulkowski	
	Art Unit	3762	
	Examiner Name	Evanisko	
Total Number of Pages in This Submission	9	Attorney Docket Number	011738.0002t

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition to Revive Application <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax Coversheet
Remarks The Commissioner is authorized to charge any fees in connection with this correspondence to Deposit Account No. 18-0733.		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm	Banner & Witcoff, Ltd.	
Signature	<i>William J. Allen</i>	
Printed Name	William J. Allen	
Date	December 9, 2005	Reg. No. 51,393

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Signature	<i>Sam Mullen</i>
Typed or printed name	
Date	12-9-05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER

DEC 09 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Attorney Docket No. 011738.00026

In re U.S. Patent Application of Stypulkowski)
Application No. 10/044,405) Examiner: Evanisko
Filed: January 11, 2002) Group Art Unit: 3762
For: Variation of Neural-Stimulation)
Parameters)

AMENDMENT

MS: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir,

This paper is responsive to the Final Office Action dated September 9, 2005. The Office Action sets a three-month shortened statutory period for response. Applicant believes that there is no fee due; however, the Commissioner is hereby authorized to charge any fee or credit any overpayment to Deposit Account No. 19-0733.

Amendments to the Claims are reflected in the listing of claims, which begin on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.